

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHNNIE THOMAS,)
)
Petitioner,)
)
vs.) No. 4:05-CV-418 (CEJ)
)
JAMES PURKETT,)
)
Respondent.)

ORDER

This habeas corpus action was referred to United States Magistrate Judge Audrey G. Fleissig, pursuant to 28 U.S.C. § 636(b), for a report and recommended disposition. On December 17, 2007, Judge Fleissig issued a Report and Recommendation, recommending that the petition of Johnnie Thomas for a writ of habeas corpus under 28 U.S.C. § 2254 be denied. No objections to the Magistrate Judge's Report and Recommendation were filed, and the time allowed for doing so has expired.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig [# 10] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of Johnnie Thomas for a writ of habeas corpus [# 1] is **denied**.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the

Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of January, 2008.